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Letter dated 8 January 2014 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit a letter dated 2 January 2014 from Smaïl Chergui, Commissioner for Peace and Security of the African Union Commission, forwarding a communiqué on South Sudan adopted by the Peace and Security Council of the African Union at its 411th meeting, held in Banjul on 30 December 2013 (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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Annex

On behalf of the Chairperson of the Commission, Nkosazana Dlamini-Zuma, I would like to forward herewith the communiqué on the situation in South Sudan that was adopted by the Peace and Security Council of the African Union at its 411th meeting, held in Banjul on 30 December 2013 (see enclosure). I would be most grateful if the communiqué were circulated as a document of the Security Council.

Let me seize this opportunity to reiterate the African Union's deep concern at the prevailing situation in South Sudan and its consequences for that country and the region as a whole. In this respect, close coordination between the African Union and the United Nations in support of the efforts led by the Intergovernmental Authority on Development is critical. We deeply appreciate the efforts being deployed by the United Nations and the role it is playing on the ground through the United Nations Mission in South Sudan.

(*Signed*) Smaïl **Chergui**
Commissioner for Peace and Security

Enclosure

Communiqué on the situation in South Sudan

[Original: English and French]

The Peace and Security Council of the African Union, at its 411th meeting at the level of Heads of State and Government, held in Banjul on 30 December 2013, adopted the following decision on the situation in South Sudan:

The Council

1. **Takes note** of the report of the Chairperson of the Commission on the situation in South Sudan (PSC/AHG/3(CDXI)), as well as of the statements made by representatives of members of the United Nations Security Council (France, Rwanda, the United Kingdom of Great Britain and Northern Ireland and the United States of America) and the European Union;

2. **Recalls** its press statements PSC/PR/BR.(CDIX) and PSC/PR/BR.(CDX) adopted at its 409th and 410th meetings, held on 18 and 24 December 2013, respectively, as well as the press statements issued by the Chairperson of the Commission on the situation;

3. **Expresses, once again, its grave concern** about the crisis in South Sudan and Africa's dismay and disappointment that the continent's newest nation should descend so quickly into civil strife, with the potential of rapidly deteriorating into ethnic clashes and a full-fledged civil war, with far-reaching consequences for regional peace, security and stability, and **also expresses deep concern** over the humanitarian consequences of the situation in South Sudan;

4. **Strongly condemns** the attacks against innocent civilians, including the targeting of ethnic groups and other communities, as well as other violations of human rights, and **further condemns** the attack against the Akobo camp of the United Nations Mission in South Sudan (UNMISS), in Jonglei State, on 19 December 2013, in which two peacekeepers and many civilians lost their lives;

5. **Reiterates** the African Union's relevant instruments on the rejection of unconstitutional changes of Government and the use of force to further political claims, **also reiterates its conviction** that dialogue is the only viable way through which the South Sudanese parties can resolve their political differences, and **calls upon** President Salva Kiir Mayardit and Dr. Riek Machar, as well as other stakeholders, to act in a spirit of patriotism and vision for the greater national interest of their country;

6. **Commends** the efforts being made by the Intergovernmental Authority on Development (IGAD) to address the situation and facilitate a peaceful solution to the crisis, including the visit to Juba, from 19 to 21 December 2013, of a high-level IGAD ministerial delegation, which also included the African Union Commissioner for Peace and Security and the United Nations Special Envoy, as well as the visit to Juba, on 26 December 2013, by the Chairperson of IGAD, Prime Minister Hailemariam Dessalegn of Ethiopia, and President Uhuru Kenyatta of Kenya, **welcomes** the communiqué adopted by the IGAD Assembly of Heads of State and Government at its twenty-third extraordinary session, held in Nairobi on 27 December 2013, and **encourages** IGAD to pursue and intensify its efforts

towards the effective implementation of the steps outlined in the above-mentioned communiqué;

7. **Urges** all South Sudanese stakeholders concerned to extend full cooperation to IGAD in order to facilitate an early solution to the current crisis, in line with the Authority's communiqué of 28 December 2013, and **demands** that the parties:

(a) Immediately and unconditionally cease hostilities, as of today, 30 December 2013, and formally communicate to the Chairperson of the Union and Chair of IGAD, as well as to the Chairperson of the Commission, their commitment to doing so. The Council **welcomes** the expressed commitment of the Government of the Republic of South Sudan to an immediate cessation of hostilities and **looks forward** to Dr. Riek Machar and the other South Sudanese stakeholders concerned doing the same. The Council **requests** the Commission and IGAD, working together with UNMISS, to put in place the necessary monitoring and verification measures, including a complaints mechanism;

(b) Engage in unconditional and inclusive dialogue in order to resolve the current conflict and address its underlying causes, on the basis of respect for human rights, the rule of law, democracy and constitutional legality, as well as the rejection of the use of force. The Council **endorses** the IGAD summit decision that face-to-face talks should commence by 31 December 2013. In this regard, the Council **welcomes** the expressed commitment of President Salva Kiir to engage in talks unconditionally, and **looks forward** to Dr. Riek Machar and other stakeholders concerned doing the same. In order to create an environment conducive to a successful dialogue, the Council **requests** the Government of the Republic of South Sudan to release all political leaders currently detained. The Council **encourages** the Chairperson of the Commission, notably through the High-level Implementation Panel, to support the inclusive dialogue to be facilitated by IGAD through its newly appointed special envoys, General Lazaro Sumbeiywo of Kenya and Ambassador Seyoum Mesfin of Ethiopia, as well as longer-term efforts to help South Sudan address its governance and democratization challenges, in line with the mandate of the Panel;

(c) Ensure the protection of the civilian population and humanitarian workers and refrain from any further acts of violence and other violations of human rights and international humanitarian law. The Council **strongly urges** the Government of the Republic of South Sudan and all other parties on the ground to fully cooperate with UNMISS in the implementation of its protection mandate. The Council **warns** all those involved in violations of human rights and international humanitarian law and other criminal acts that they will be held accountable for their actions. The Council **further demands** that all parties ensure unhindered and secured humanitarian access to the populations in need;

(d) Put an immediate end to the mobilization of armed groups along ethnic and tribal lines, as well as to any incitement or hostile or inflammatory messages. The Council **requests** that an opportunity be given to national figures, including religious leaders and others, to convey messages of peace and reconciliation through national media and other appropriate outlets;

8. **Requests** the Chairperson of the Commission, in consultation with the Chairperson of the African Commission on Human and Peoples' Rights and other

relevant African Union structures, to urgently establish a Commission to investigate the human rights violations and other abuses committed during the armed conflict in South Sudan and make recommendations on the best ways and means to ensure accountability, reconciliation and healing among all South Sudanese communities. The Council **requests** that the above-mentioned Commission submit its report to the Council within a maximum period of three months;

9. **Expresses its intention** to take appropriate measures, including targeted sanctions, against all those who incite people to violence, including along ethnic lines, continue hostilities, undermine the envisaged inclusive dialogue, hinder humanitarian operations, undermine the protection mandate of UNMISS and carry out acts of violence against civilians and unarmed combatants, and to seek the support of the United Nations Security Council. The Council **requests** the Commission, working closely with IGAD, to initiate preparatory steps in this regard;

10. **Welcomes** the efforts being made by the United Nations, and **notes with appreciation** the adoption by the United Nations Security Council of resolution 2132 (2013) authorizing an increase in the strength of UNMISS, to support the protection of civilians and the delivery of humanitarian assistance. The Council **calls upon** all African Union member States having troops and police personnel in United Nations peacekeeping operations to support the increase in UNMISS strength by making available military and police personnel, as well as assets, through inter-mission cooperation, and **calls upon** those African countries concerned to facilitate the movement of United Nations military and police personnel to South Sudan;

11. **Notes with appreciation** the efforts being made by all other international stakeholders, including the United States, China, Norway and the European Union. The Council **encourages** all relevant States and organizations to use their influence with the South Sudanese stakeholders, so that they bring the current violence to an end and engage in unconditional dialogue;

12. **Requests** the Chairperson of the Commission, in close consultation with the Chairperson of IGAD, to submit to the Council a comprehensive report on the evolution of the situation and the implementation of this decision at its meeting at the level of Heads of State and Government, scheduled to take place in Addis Ababa on the margins of the twenty-third ordinary session of the Assembly of the Union, at the end of January 2014. In the meantime, the Council **requests** the Commission to formally submit to it, within one week, an update on the response of the parties to the demands made by IGAD and the African Union regarding the immediate and unconditional cessation of hostilities and the initiation of an unconditional and inclusive dialogue, including the confidence-building measures, as contained in paragraph 7 (a) and (b) of the present communiqué;

13. **Further requests** the Chairperson of the Commission to transmit the present communiqué to the United Nations Secretary-General and, through him, to the United Nations Security Council, as well as to other international partners, in order to mobilize their support for the African-led efforts;

14. **Decides** to remain actively seized of the situation.